

Signed: 

02/10/21

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO**FILED**8:33 am Feb 10 2021
Clerk U.S. District Court
Northern District of Ohio
Cleveland

<u>Matthew J Shoemaker</u> , Plaintiff)	CASE NO. <u>1:21cv230</u>
)		JUDGE <u>Judge Pamela Barker</u>
)		COMPLAINT
<u>Joseph R Biden, Jr, President of the United States</u> , Defendant(s))	Joseph R Biden, Jr, President of the United States (Defendant) U.S. Department of Justice 950 Pennsylvania Ave., NW Washington, DC 20530
Matthew J Shoemaker (Plaintiff))	

1.) Basis of the Court's jurisdiction:

- 42 U.S.C. 1983; 8 U.S.C. 1185

2) Facts of case:

- On 7 September 2018, as a civilian employee of the Department of Defense (DOD), I moved from the US as part of my job requirements to fill a billet in the United Kingdom. On 6 October 2020, per my career advancement, I accepted a billet with the DOD back in the United States requiring me to return to the US by 14 March 2021 dependent on the issuance of travel orders. On 12 January 2021, the Centers for Disease Control and Prevention (CDC) issued new requirements stating that all passengers including US citizens are required to provide airlines with negative COVID-19 tests taken up to 3 days prior to departure. The CDC stated a failure to provide a negative test would result in the passenger, including US citizens, denial to board the aircraft and effective denial of entry to the US. On 21 January 2021, President Biden issued Executive Order 13998 codifying the CDC 12 Jan. mandate.

Both the CDC's 12 January requirement and EO 13998 are contrary to Supreme Court ruling *Nguyen v. I.N.S.* of "the absolute right [of citizens] to enter its borders" as well as lower court rulings *Worthy v. United States* and *Fikre v. FBI*. In the latter case, the court found "the right to return to the United States is inherent in American citizenship."

As I am only overseas due to the US government requirements and I am returning to the US at the behest of my employment, it seems unlawful for US authorities to bar my entrance back to the US without submitting to a medical test whose results are obsolete as soon as the test is completed; thus degrading its efficacy in reducing virus transmission. Additionally, as there is no expiration stated for the end of the medical test requirement, both the CDC's requirement and EO 13998 fail to consider potential policies more limited in scope and time and they fail to provide concrete, reasonable justification for barring US citizens from returning to the US.

3.) Request from the Court: I request an injunction pertaining to US citizens requiring a COVID medical test to gain reentry to the US.